

### REMARKS

Claims 1-21 are pending. Applicant requests reconsideration in light of the following remarks. In the outstanding office action the Examiner allowed claims 6-21. Applicant has amended claim 1 to more clearly define the invention. The amendment was not necessitated by the prior art. Applicant requests withdrawal of the outstanding rejections, and allowance of claims 1-5.

In the outstanding office action, the Examiner rejected claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,297,021 to Koerlin et al. (hereinafter, "Koerlin") in view of U.S. Patent No. 5,123,495 to Littlejohn et al. (hereinafter, "Littlejohn"). Applicant contends that claims 1-5 are patentable over these references, and requests withdrawal of the rejection under 35 U.S.C. §103.

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.

Koerlin teaches a wheelchair tilt and recline system in which, as illustrated in Fig. 8, as the seat back 307 is reclined, and the angular position of the seat back 307 is sensed by the potentiometer 314, and this information is communicated to the computer, which computes an incline angle. See col. 5, lines 66-68, and col. 6, lines 1-4. Next, based on the computed incline angle, a theoretical shear force is calculated

by the computer. See col. 6, line 5. The shear force is then sensed. See col. 6, line 6. Next, this calculated shear force is compared with the measured or sensed shear force. See col. 6, line 7. Finally, if the calculated shear force differs from the actual shear force, the seatback 307 is moved by the actuator so that the calculated shear force becomes equal to the measured shear force. See col. 6, lines 8-17.

Koerlin's potentiometer 314 can be considered to be a primary sensor suitable for detecting the position of the primary member. Koerlin has no analogous member suitable for detecting the position of a secondary member. Even if Koerlin had such a secondary sensor, Koerlin teaches a process that requires several intermediate steps to arrive at the step of articulating the secondary member once the position of the primary member is detected. These steps include:

1. Computing the incline angle.
2. Calculating a theoretical shear force.
3. Sensing the shear force.
4. Comparing the calculated shear force with the sensed shear force.
5. Sending a signal, responsive to the comparison, to the actuator.

It can be seen that there is no disclosure in Koerlin that the controller is to be configured to send a signal to an actuator where the signal articulates the actuator as a function of the position of the primary articulated member. Koerlin's teaching is to send a signal that is responsive to a comparison of a calculated shear force and a measured shear force. Therefore, Koerlin does not, by itself, teach Applicant's invention.

Littlejohn discloses a wheelchair climbing and descending system. The system uses several sensors to measure such parameters as the angle of inclination of the wheelchair and the angle of inclination of the slope of the surface directly in front of the wheelchair. Littlejohn does not teach sending signals to an actuator for articulating a secondary articulated member as a function of the position of a primary

articulated member. Therefore, Littlejohn does not disclose Applicant's invention as defined in his claim 1.

Adding the disclosure of Littlejohn to the teachings of Koerlin merely adds additional sensors to the disclosure of Koerlin. There is still no disclosure of sending signals to an actuator for articulating a secondary articulated member as a function of the position of a primary articulated member. The combination fails to meet at least the third criterion of a prima facie case of obviousness since not all the claim limitations are taught. Therefore, for at least this reason the combination of Koerlin and Littlejohn fails to meet all the limitations of Applicant's invention as defined in claim 1. Accordingly, Applicant's claim 1 is patentable over the Koerlin and Littlejohn references. Also, since claims 2-5 depend on claim 1, for at least this reason, claims 2-5 should also be patentable over Koerlin and Littlejohn.

In view of the above amendments and remarks, Applicant has shown that the invention, as defined in claims 1-5, is neither disclosed nor suggested by the references of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of record, and allowance of all claims.